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REMARKS

As a preliminary matter, the withdrawal of the grounds of rejection set forth in the Official Action issued on October 17, 2005, is acknowledged with gratitude.

In the Official Action dated March 28, 2006, claims 1 through 98 are rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,746,779, issued to Hayes et al. (hereinafter "Hayes"). Claims 1 through 98 are also rejected under the judicially created doctrine of obviousness-type double patenting, as lacking any patentable distinction from claims 1 and 2 of Hayes. These are the sole reasons set forth in the Official Action of March 28, 2006, why the present application should not be allowed. Applicant respectfully traverses these rejections for the following reasons.

First, independent claims 1, 93, and 96 are amended herein to clarify that the sulfonated aliphatic-aromatic copolyesters of the invention have a crystalline melting temperature, T_m . Support for these amendments appears in the specification on page 3 at lines 9 to 27, in the paragraph bridging pages 24 and 25, in the paragraph bridging pages 50 and 51, and in the Examples of the invention, *inter alia*. Accordingly, no new matter is introduced into the application by these amendments. The property of crystallinity aids in improving the heat resistance and mechanical properties of the claimed copolyesters. See the paragraph bridging pages 24 and 25 of the specification.

In contrast, the copolyetheresters described in Hayes are amorphous. See, e.g., claim 1. Moreover, no crystalline melting temperature, T_m , was observed for any of the examples of the Hayes invention. The property of being amorphous aids in increasing the copolyesters' solubility, aids in the formation of clear polymer solutions, and also aids in the production of the clear films that result from casting the copolyester solutions. All of these properties are desirable, if not required, in the copolyesters that are described by Hayes. See, e.g., claim 1 and column 4 at lines 17 to 29.

Consequently, Applicant respectfully submits that claim 1, as amended herein, is not anticipated by Hayes, because the cited reference does not describe every element of the claimed invention.

With respect the rejection for obviousness-type double patenting, as is set forth in detail above, the Hayes reference neither teaches nor suggests that the sulfonated aliphatic-aromatic copolyesters described therein should have a crystalline melting temperature. In this connection,

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Applicant notes that claim 1 of the present application does not read on the copolyester synthesized in comparative example CE1 of the Hayes patent. Column 5 at lines 31 to 59. Although this copolyester is characterized by a crystalline melting temperature, it does not include any 1,4-butanediol, which is a specifically recited component of the sulfonated aliphatic-aromatic copolyesters of the present invention.

Because Hayes does not teach or suggest every element of the claimed invention, a *prima facie* case of the obviousness of claim 1, as amended, cannot be made out over the cited reference. Thus, newly amended claim 1 is patentably distinct from the claims of the Hayes reference.

In light of the facts and reasoning set forth above, Applicant does not believe that the differences between the claimed invention and the composition described by Hayes are merely conventional, as has been asserted in the Official Action on page 6. Should the Examiner maintain this position, however, Applicant respectfully requests that a supporting reference or affidavit be provided. *See* 37 C.F.R. § 1.104.

Finally, claims 93 and 96, although independent, specifically recite all of the features of the crystalline sulfonated aromatic-aliphatic copolyetherester of claim 1. Therefore, claims 93 and 96 are also not anticipated and not obvious, for at least the reasons set forth above with respect to claim 1. In addition, claims 2 through 92 and claims 94, 95, 97 and 98 depend, directly or indirectly, from claim 1, claim 93, or claim 96. It follows by statute that the dependent claims are also not anticipated by and not obvious over Hayes.

Accordingly, Applicant respectfully requests that the rejections of claims 1 through 98 under 35 U.S.C. § 102 and under the judicially-created doctrine of obviousness-type double patenting, citing Hayes, be withdrawn upon reconsideration.

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Conclusion

Should any fee be required in connection with the present response, the Examiner is authorized to charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and such action is respectfully requested. In closing, the Examiner is invited to contact the undersigned attorney by telephone at (302) 892-1004 to conduct any business that may advance the prosecution of the present application.

Respectfully submitted,



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